

Message Text

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ACTION EUR-08

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 7403

C O N F I D E N T I A L PRAGUE 3092

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, EFIN, CZ, US

SUBJECT: CLAIMS AGREEMENT -- TEXT OF MEMORANDUM

REF: PRAGUE 3091

1. TRANSMITTED HERewith IS THE TEXT OF THE MEMORANDUM GIVEN
DECEMBER 18 TO DCM BY MFA SIXTH DEPARTMENT HEAD ZANOTVSKY:
QUOTE

2. THE PRINCIPLE THAT ALL SOVEREIGN STATES ARE EQUAL IN
RIGHTS AND INDEPENDENT ON ANY POWER OF ANOTHER STATE IS ONE
OF THE GUARDED PRINCIPLES AND RULES OF INTERNATIONAL LAW.
FOR THIS REASON, THE LEGISLATIVE POWER OF ONE STATE CANNOT
BE APPLIED TO ANOTHER STATE AND THE COURT OF JUSTICE AND
OTHER AUTHORITIES OF ONE STATE CANNOT CLAIM JURISDICTION
OVER ANOTHER STATE. THE STATE, ITS AUTHORITIES AND PROPERTY
ARE EXEMPTED FROM THE LEGISLATIVE POWER AS WELL AS FROM THE
JURISDICTION OF OTHER STATES AND THEIR COURTS AND AUTHORI-
TIES. THE STATE ENJOYS ALSO LEGAL IMMUNITY, IT CANNOT BE
INDICTED BY ANY OTHER STATE AND THE COURT OF SUCH STATE
CANNOT TAKE DECISIONS CONCERNING EVEN ITS PROPERTY. ANY
MEASURES OF EXECUTION, CUSTODY OR ADEMPION (SIC) CONCERNING
THE PROPERTY OF A STATE ARE SUBJECT TO THE CONSENT OF THE
STATE CONCERNED.

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3. THE PROPOSALS CONTAINED IN SENATOR GRAVEL'S AMENDMENT TO

THE TRADE BILL ARE FOR THE MOST IN FLAGRANT CONTRADICTION WITH THESE FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW, SINCE THE UNITED STATES COURT WOULD, THEREBY, DISPOSE OF THE GOLD WHICH IS THE PROPERTY OF THE CZECHOSLOVAK STATE. IN SPITE OF THE FACT THAT THE TEXT OF THE AMENDMENT SPEAKS ABOUT LEGAL MEASURES, THE PROPOSED PROCEDURE WOULD, AS A WHOLE, CONSTITUTE FROM THE POINT OF VIEW OF THE DISPOSITIONS OF INTERNATIONAL LAW A WRONGFUL ACT, FOR WHICH THE UNITED STATES OF AMERICA AS A STATE WOULD BE DIRECTLY RESPONSIBLE.

4. IT IS CERTAINLY KNOWN TO THE STATE DEPARTMENT THAT THE STATE BEARS DIRECT RESPONSIBILITY FOR THE ACTS OF ITS STATE AUTHORITIES, BE IT ADMINISTRATIVE, JUDICIARY OR LEGISLATIVE ONES. END QUOTE

5. CZECH AND ENGLISH TEXTS BEING FORWARDED.
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